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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,496	03/13/2004	Kenneth P. Hinckley	03797.00035	1373
28319	7590	02/23/2004	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR MICROSOFT 1001 G STREET, N.W. ELEVENTH STREET WASHINGTON, DC 20001-4597			ZAMANI, ALI A	
			ART UNIT	PAPER NUMBER
			2674	12

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,496

Applicant(s)

HINCKLEY ET AL.

Examiner

Ali A. Zamani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-19, 21, 26-30, 33-37 and 40-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 19, 21, 26-30, 33-37 and 40-49 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Terminal Disclaimer

The Terminal disclaimer is not proper

The Terminal disclaimer filed on 2-20-03 is not proper and has not been accepted. The application for which the terminal disclaimer was filed had not been issued an office action.

The indicated allowability of claims 6, 15, 21 40 are withdrawn in view of the newly discovered Provisional Double Patenting and newly references (West et al. and Clark et al.).

Double Patenting

Claims 1, 5-7, 9-10, 12, 14, 16, 21, 26-28, 30, 33-37 and 40 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 09/804,383. Although the conflicting claims are not identical, they are not patentably distinct from each other because both independent claims 1, 5-7, 9-10, 12, 14, 16, 21, 26-28, 30, 33-37 and 40 of the present application and claims 1, 20 and 31 of application 09/804,383 directed to a computer system having an auxiliary control and a display screen with a method comprising the step of detecting a physical presence proximate to or contacting the auxiliary control for a first predefined period.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 2-4 and 18 are respectively identical to claims 20, 30, 31 and 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16, 18-19, 21, 26-30, 33-37 and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US Pat. No. 5,831,597) in view of Clark et al. (US Pat. No. 5,995,101).

In regard to claims 1, 5-7, 9-10, 12, 14, 16, 21, 26-28, 30, 33-37 and 40, West discloses a computer system including an auxiliary control (254) and displaying, a method comprising the steps of: detecting a first physical presence proximate to a first auxiliary control (254); and which the first auxiliary control (254). Furthermore, West discloses a an input device (250) which includes touch sensor pads (58, 60, 62, 64, 66, 68, 70 and 72) which directly detects when a physical presence (user) touches the device or its control input device (mouse 254), generate a feedback, when the user breaks physical hand contact (Figs 1-4, col. 4, lines 3-15).

West does not teach or suggest a “ tool tip associated with display”. However,

Clark discloses a display including tool tip (50, 60) as providing information is displayed when a user points with a pointing device (mouse), to an area of the graphical display associated with function (col. 1, lines 44-60). Furthermore, Clark teaches that one level of information (a first-level tool tip) is displayed when a user points with a pointing device (mouse) to an area may b of the display (28) and a subsequent (a second level) tool tip is displayed if the user continues to point to the area for a predetermined amount of time or presses a selected keystroke. Also, the

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second-level tool tip may replace the first-level tool tip in the display (28), and the second-level tool tip may include more or different types of information than the first level tool tip, including text (the functionality and status of an auxiliary controller generates a feedback to user) (col. 1, lines 45-63).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify West's (Fig. 7) to incorporate Clark's display including tool tip (50, 60) for providing detailed information about functions with icon or other control areas appearing in computer user interfaces.

As to claim 2-4, 46, 49 West teaches that other computer components, such as a keyboard (keys combination as a auxiliary control) or mouse or any other available port of computer can be connected directly or indirectly through the input device (25) (Fig. 7, col. 2, lines 24-29). Those skill in the art knows an input devices for computerized system such as keyboard, touchpads, game controller, and mouse, often include one or more auxiliary controls such as microphones, buttons, rocker switches, knob, wheels, etc. Auxiliary controls may be used alone or in combination with input devices and other auxiliary controls.

In regard to claims 8, 11, 13, 15, 18-19, 41-45 and 47-48, Clark discloses that Clark teaches that one level of information (a first-level tool tip) is displayed when a user points with a pointing device (mouse) to an area may b of the display (28) and a subsequent (a second level) tool tip is displayed if the user continues to point to the area for a predetermined amount of time or presses a selected keystroke. Also, the second-level tool tip may replace the first-level tool tip in the display (28), and the second-level tool tip may include more or different types of

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information than the first level tool tip, including text, a video clip, or an audio clip (the functionality and status of an auxiliary controller generates a feedback to user) (sound feedback) (col. 1, lines 45-63). Clark also discloses tat computer users are able to obtain detailed information about the function associated with a control area, such as a tool bar icon, simply by pacing and leaving the cursor in or near the control area; the amount and type information provided may change frequently unless the user takes an action indicating that the user no longer wants to receive the information and the information may be presented in text, video, audio, or virtually any other medium (col. 2, lines 1-5) and the information provided at a given too tip level may disappear when an associated timeout interval expires (col. 3, lines 20-35). West et al. discloses a pad (22) with six touch sensors (28, 30, 32, 34, 36, 38, 40 and 42), generates their electrical signals based on actual contact between the user (hand of a user) and a portion of the sensor or based on extreme proximity between the user and the sensor (release event) (Figs. 1-4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Levi et al. is made of record to show an auxiliary control (control knob) with control modes and force feedback.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Zamani whose telephone number is (703) 308-6414. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe, can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ali Zamani

February 04, 2004



**RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**